

SUMMARY MINUTES OF THE 411th COMMISSION MEETING
Texas Animal Health Commission
December 7, 2021

Item 1 – Welcome and Call to order by Chairman Locke

The Texas Animal Health Commission (TAHC) Commissioners met in person on Tuesday, December 7, 2021. Chairman Coleman Locke began the meeting at 8:35AM. The Pledge of Allegiance was recited.

Item 2 – Roll Call for Commission Members

The Chairman called the roll for the commission members. Commissioner Oates, Commissioner Johnson, and Commissioner Broyles were absent.

Item 3 – Designation of Commission Vice Chair

Commissioner Ken Jordan was designated as the Commission Vice Chair. The motion to approve the designation of Commissioner Jordan as Vice Chair was passed.

Item 4 – Approval of the minutes of the 410th Meeting

There was no public comment and no discussion concerning the minutes of the 410th Commission meeting. The motion to approve the minutes of the 410th Commission meeting passed.

Item 4 – Report of the Executive Director and Approval of Waiver and Variance Requests

Dr. Schwartz presented the following:

- **AGENCY OPERATIONS & AFFAIRS**

- Commission Appointments: Congratulations to Chairman Locke (Chair/Cattle Raiser) and Mr. Ken Jordan (Livestock Markets) on their reappointments to the Commission. Welcome newly appointed commissioners, Dr. Ali Broyles (Veterinarian) and Dr. Benjamin Turner (Public). Thanks to Dr. Mike Vickers (Veterinarian) for serving from 2006-2021 and thanks to Mr. Jim Eggleston (Public) for serving from 2016-2021.
- Rural Veterinary Incentive Program (RVIP): HB1259, passed during the 87th Legislative Session, updates the current outdated statute to allow participation in the program by both students of Texas A&M College of Veterinary Medicine and Texas Tech University College of Veterinary Medicine. Additionally, a person who attends an out of state College of Veterinary Medicine may apply for funds if they previously graduated from high school or college in the State of Texas. The Texas Animal Health Commission (TAHC) will administer the program in accordance with the rules adopted by the Rural Veterinarian Incentive Program Committee. *Preliminary work is being done while committee members are named.*
- Veterinary Medical Loan Repayment Program (VMLRP): TAHC continues to coordinate Texas' participation in this USDA NIFA funded program geared to encourage veterinarians to set up secure food supply plans and mixed animal practices in underserved areas. *In 2021, three award offers were made out of eight shortage areas nominated. A revised set of eight shortage areas has been submitted for consideration in the next round of awards, based on input from stakeholders.*

- **DISEASE Information & Epidemiological Activities**

Summary Minutes of the 411th Commission Meeting – 12/7/2021

- Cattle Fever Ticks, Rio Bravo Buffer Zone: TAHC worked with APHIS, SENASICA, CNOG, Coahuila, and Tamaulipas to plan two cooperatively funded fever tick eradication pilot projects, one in Tamaulipas and one in Coahuila. Funding for these pilot projects was approved at the September 22, 2020 commission meeting. *UPDATE: We received word in late November that the Office of the Governor would not approve the use of state funds for this effort. A request has now been made to the USDA APHIS Administrator for USDA to directly fund these pilot projects.*
- Cattle Fever Ticks, Zapata game fence: USDA has begun construction of a two-mile section of fence near Zapata that connects with existing game fencing to create a barrier to movement of tick infested white-tailed deer (WTD) from the permanent quarantine zone to the free area. The TAHC agreed to maintain the fence for a period of five years. *UPDATE: Installation progressing, with projections for completion in January, 2022.*
- Cattle Fever Ticks, Cameron County and Willacy County game fence: The TAHC obtained funding to construct a total of approximately 10 miles of game fencing in four key locations in these two counties to prevent movement and continued reintroduction of ticks by nilgai antelope and white-tailed deer. An Environmental Assessment (EA) was completed. *UPDATE: The private landowner declined to sign the necessary MOU and access agreements. Efforts are underway to obtain authorization to construct the fence on other private lands in key locations.*
- Pullorum-Typhoid (*Salmonella pullorum*, *Salmonella typhoid*) Testing (P-T testing): The Texas commercial poultry industry requested the TAHC conduct P-T testing where required under state rule and the National Poultry Improvement Plan (NPPI). The Official State Agency for Texas under the NPPI is TVMDL. *UPDATE: A Memorandum of Understanding with TVMDL has been signed calling for P-T testing to be performed by the TAHC for flocks enrolled in the Fowl Registration Program. An initial group of TAHC Livestock Inspectors were trained in November, 2021, with testing set to begin in January 2022.*
- Chronic Wasting Disease (CWD): Epidemiological investigations on seven (7) confirmed CWD affected WTD breeder facilities are being conducted. Four facilities have been depopulated, and three are pending herd plan finalization. Of a total of 317 involved facilities:
 - 7 – positive breeder herds
 - 8 – out of state traces
 - 219 – cleared
 - 69 – release sites (8 have signed herd plans)
 - 3 – DMP sites (herd plans pending)
 - 11 – breeder herds (plans pending)
 - 317 total facilities involved
- Bovine Tuberculosis:
 - Sutton County Beef Herd – on test and removal plan
 - Sherman County Dairy Herd – on test and removal plan, modified to focus on highest risk cows
 - Moore County Dairy Herd – initial test this week due to TB detected in a cull cow

- Report of all Program Diseases

Cattle Status Report

I. CATTLE BRUCELLOSIS:

Total # brucellosis tests performed – September 2021	
Slaughter 4-54 brucellosis tests	
L/S Market 4-54 brucellosis tests	
Private vet brucellosis tests	
Program Herd brucellosis tests	
Total:	

*The Texas State-Federal Laboratory closed on August 31, 2021 and transitioned regulatory testing services to the Texas A&M Veterinary Medical Diagnostic Laboratory (TVMDL). We are working with TVMDL to develop and resume these reports.

II. TUBERCULOSIS (TB):

Currently there are three (3) herds under quarantine for Tuberculosis. Two (2) slaughter TB trace investigations are in progress.

Tuberculosis Quarantines – September 2021				
<i>Region</i>	<i>County</i>	<i>Reason</i>	<i>QH Date</i>	<i>Release Date</i>
AM	Sherman	TB Reactor	2/12/19	
RD	Limestone	TB Reactor	10/9/20	
SV	Sutton	TB Reactor	10/3/20	

Tuberculosis Trace Investigations		
<i>Fiscal Year</i>	<i># Slaughter Traces Initiated</i>	<i># Ongoing Investigations</i>
FY 2020	9	0
FY 2021	6	2
Total:	15	2

III. TRICHOMONIASIS:

Texas Bulls Trich Tested for CY' 2021							
	<i>Total Bulls Tested</i>	<i>PCR Neg</i>	<i>Culture Neg</i>	<i>PCR Pos</i>	<i>Culture Pos</i>	<i>*</i>	<i>Individual Pos</i>
Jan	2,568	2,227	304	37	0	0	27
Feb	2,496	2,288	167	40	0	1	33
Mar	5,994	5,625	329	40	0	0	30
Apr	3,844	3,327	482	33	0	2	25
May	2,566	2,188	348	28	0	2	23
June	2,216	1,905	298	13	0	0	11
July	1,154	1,365	145	31	0	0	30
Aug	1,1743	1,568	164	10	1	0	11

Summary Minutes of the 411th Commission Meeting – 12/7/2021

Sept	2,266	2,135	115	0	0	0	7
Oct							
Nov							
Dec							
Totals:	25,234	22,628	2,352	248	1	5	197

IV. FEVER TICKS:

As of September 30, 2021	Compared to September 30, 2020
139 Premises under an infested quarantine	178 Premises under an infested quarantine
57 in the Tick Eradication Quarantine Area	78 in the Tick Eradication Quarantine Area
82 in the Free Area	100 in the Free Area
2,801 adjacent or check premises	3,099 adjacent or check premises
407 in the Quarantined Area	400 in the Quarantined Area
2,394 in the Free Area	2,699 in the Free Area

Equine Status Report

I. EQUINE HERPES VIRUS (EHV):

EHV Quarantines – September 2021			
Region	County	QH Date	Release Date

II. EQUINE INFECTIOUS ANEMIA(EIA):

EIA Tests CY' 2021				
Month	Neg	Confirmed Pos	Total	% Inf
Jan	18,848	1	18,849	
Feb	12,382	1	12,383	
Mar	17,464	7	17,471	
Apr	17,441	6	17,447	
May	14,762	4	14,766	
June	13,005	13	13,018	
July	9,804	7	9,811	
Aug	10,570	10	10,508	
Sept	8,573	0	8,573	
Oct				
Nov				
Dec				
Totals:	122,849	49	122,903	0.040%

EIA Quarantines- September 2021			
Region	County	QH Date	Release Date
SV	Hamilton	10/7/93	
RD	Matagorda	9/24/98	
SS	Nacogdoches	6/2/04	
RD	Harris	HO 5/14/21	9/1/21
SS	Johnson	HO 6/11/21	9/23/21
SV	Crane	6/11/21	
RD	Harris	7/9/21	9/1/21
SV	Ector	HO 7/24/21	
RD	Harris	7/30/21	
RD	Bastrop	7/30/21	
RD	Bastrop	7/30/21	
AM	Deaf Smith	8/9/21	
RD	Bastrop	8/26/21	
SS	Tarrant	8/28/21	
SS	Tarrant	8/30/21	
SS	Tarrant	8/31/21	
AM	Bailey	HO 9/29/21	
AM	Deaf Smith	HO 9/29/21	

III. EQUINE PIROPLASMOSIS (PIRO):

PIRO Positives and total horses tested at TVMDL – 2021				
Month	Negative Tests	# Confirmed Positives	Total Tested	% Inf
Jan	2,173	0	2,173	
Feb	1,164	2	1,166	
Mar	1,437	0	1,437	
Apr	1,245	1	1,246	
May	950	0	950	
June	903	0	903	
July	680	6	687	
Aug	744	1	745	
Sept	977	1	978	
Oct				
Nov				
Dec				
Totals:	10,273	11	10,285	0.12%

PIRO Quarantines – September 2021			
Region	County	QH Date	Release Date
RD	Brazoria	3/1/10	
SS	Panola	3/12/10	
LR	Zapata	5/5/10	
BV	Jim Wells	4/28/10	9/15/21
RD	Brazos	3/1/10	
BV	Kenedy	7/23/12	
BV	Kenedy	5/7/14	
SS	Dallas	10/17/19	
SS	Johnson	10/29/19	
LR	Webb	11/13/19	
LR	Hidalgo	12/15/19	
RD	Hays	8/5/20	
SS	Dallas	12/30/20	
BV	Bexar	2/25/21	
LR	Hidalgo	2/26/21	
LR	Hidalgo	5/19/21	
SV	Ector	7/9/21	
RD	Bastrop	7/30/21	
RD	Harris	8/19/21	
SS	Tarrant	8/31/21	

Swine Status Report

IV. SWINE BRUCELLOSIS & PSEUDORABIES

Swine First Point Testing –	
Total swine brucellosis tests conducted:	
Total swine pseudorabies tests conducted:	

*The Texas State-Federal Laboratory closed on August 31, 2021 and transitioned regulatory testing services to the Texas A&M Veterinary Medical Diagnostic Laboratory (TVMDL). We are working with TVMDL to develop and resume these reports.

Swine Program – September 2021	
Permitted feral swine holding facilities	100
Permitted feral swine hunting preserves	39
Swine waste permits	59

Swine Pseudorabies Quarantines – September 2021			
Region	County	QH Date	Release Date

Swine Brucellosis Quarantines – September 2021			
Region	County	QH Date	Release Date

Avian Status Report

V. AVIAN INFLUENZA(AI): TESTING TOTALS

AI Testing Totals – September 2021									
	LBM System			Excluding LBM System			Testing Totals		
Region	Flocks	Samples	Tests	Flocks	Samples	Tests	Flocks	Samples	Tests
BV	1	30	3	0	0	0	0	0	0
RD	9	370	37	1	20	2	10	390	39
SS	2	360	54	3	75	5	5	435	59
Total	12	760	94	4	95	7	15	825	98

August 2021 – Number of Poultry Facility Inspections – 343

Avian Quarantines (Poultry ILT) – September 2021			
Region	County	QH Date	Release Date
SS	Tarrant	10/18/16	
SS	Upshur	6/7/20	
SS	Camp	HO 4/29/2021	
SS	Hopkins	HO 6/4/2021	

Sheep & Goat Status Report

VI. SCRAPIE

Scrapie Quarantines – September 2021			
Region	County	QH Date	Release Date

Cervidae Status Report

VII. CHRONIC WASTING DISEASE (CWD)

State CWD Herd Certification Program- August 2021	
Number of herds currently with status	286

CWD Quarantines – September 2021			
Region	County	QH Date	Release Date
RD	Lavaca	9/15/15	
BV	Medina	7/2/15	
BV	Medina	2/5/16	
BV	Medina	4/4/16	

Summary Minutes of the 411th Commission Meeting – 12/7/2021

BV	Medina	5/9/17	
SV	Kimble	2/26/20	
BV	Medina	HO 12/22/20	
BV	Uvalde	HO 3/25/21	
BV	Uvalde	HO 3/25/21	
RD	Matagorda	HO 4/9/21	
BV	Uvalde	HO 4/13/21	
SV	Mason	HO 4/21/21	
SS	Hunt	5/13/21	
BV	Duval	8/27/21	

All Species Status Report

I. VESICULAR STOMATITIS (VSV)

VSV Quarantines – September 2021			
<i>Region</i>	<i>County</i>	<i>QH Date</i>	<i>Release Date</i>

II. FAD INVESTIGATIONS

FAD Investigations – September 2021						
<i>FAD#</i>	<i>City</i>	<i>County</i>	<i>Suspected Disease</i>	<i>Species</i>	<i>Assign Date</i>	<i>Complete Date</i>
21TX0061	Benbrook	Tarrant	RHDV2	Rabbit	9/29/21	
21TX0060	Sumner	Lamar	FMD / VSV	Bovine	9/23/21	
21TX0059	Midland	Midland	VSV	Equine	9/24/21	9/29/21
21TX0058	Temple	Bell	FMD / VSV	Bovine	9/14/21	9/23/21
21TX0057	Sunnyvale	Dallas	VSV	Equine	9/13/21	9/17/21
21TX0056	El Paso	El Paso	AI / END	Avian	9/9/21	9/29/21
21TX0055	Murchison	Henderson	CSF / ASF	Porcine	9/8/21	9/14/21
21TX0054	Centerville	Leon	VSV	Equine	9/3/21	9/17/21
21TX0053	Robstown	Nueces	FMD / VSV	Porcine	9/1/21	9/9/21
21TX0052	Carlsbad	Tom Green	VSV	Equine	8/28/21	9/3/21
21TX0050	London	Kimble	RHDV2	Rabbit	8/25/21	9/1/21
21TX0045	Portland	San Patricio	FMD / VSV	Porcine	8/13/21	
21TX0043	Fredericksburg	Gillespie	FMD / VSV	Bovine	8/5/21	9/22/21
21TX0041	Clyde	Callahan	RHDV2	Rabbit	7/14/21	9/14/21
21TX0039	McKinney	Collin	RHDV2	Rabbit	7/12/21	9/13/21

III. ANTHRAX

Anthrax Quarantines – September 2021			
<i>Region</i>	<i>County</i>	<i>QH Date</i>	<i>Release Date</i>

Summary Minutes of the 411th Commission Meeting – 12/7/2021

LR	Val Verde	7/12/21	7/27/21
SV	Hardeman	8/6/21	9/2/21
SV	Hardeman	8/19/21	9/2/21
SV	Hardeman	8/19/21	9/2/21
AM	Armstrong	8/20/21	9/15/21
AM	Armstrong	8/26/21	9/9/21
LR	Kinney	8/30/21	
LR	Maverick	9/7/21	10/21/21
BV	Real	9/10/21	9/28/21

I. RHDV2

RHDV2 Positive Cases – September 2021		
County	Number of Positive Cases	Month
Tom Green	1	March

II. SARS-CoV-2

SARS-CoV-2 Animal Assessments – March 2020 through September 2021	
Number of Animal Assessments Conducted	60

SARS-CoV-2 Positive Animals – July 2020 through September 2021	
Species	Number of Positive Animals
Canine	49
Feline (All House Cats)	46
Feline (Tiger)	4
Feline (Cougar)	1
Feline (Lion)	1

III. PERMITS

Permitted Species – September 2021		
Species	Number of Permits Issued	Number of Permitted Head
Cattle	145	20,383
Dairy Pilot Project	290	5,503
Equine	6	23
Exotic	47	251
Poultry	58	261,371
Total	546	287,531

- **NATIONAL UPDATE**

- USDA's policy on the discontinuation of metal tags and requirement for RFIDs made in 2019 was withdrawn. A new proposal was published in the federal register. The public comment period closed October 5, 2020. Based on comments and other considerations, the USDA announced it will go through the full rulemaking process. *UPDATE: USDA is expecting publication of a proposal for comment by summer 2022.*
- USDA is conducting a review of the TAHC CWD Herd Certification Program. *UPDATE: TAHC staff have provided the requested pre-review material, met with reviewers, and are awaiting the outcome.*
- The Texas Ultra High Frequency (UHF) Back Tag Project work is completed. This two-year project demonstrated that UHF back tags can be used at the speed of commerce in livestock markets to track animals, reduce sorting errors, and enhance efficiency of operation. The project demonstrated these back tags were more durable than conventional paper tags, and reliably provided both visual and electronic identification of animals moving to slaughter. Lastly, the project demonstrated that use of UHF back tags facilitates the correlation of back tag numbers with official identification tags at the time they are applied, thereby providing traceability back to the farm of origin through livestock market records. *UPDATE: United States Animal Health Association (USAHA) 2021 Resolution #21 urges USDA to provide UHF backtags to livestock markets committed to using this technology in their facilities and sharing associated information electronically for animal disease traceability.*

- **WAIVERS and VARIANCES (Action Item)**

From September 21, 2021 to December 7, 2021, there were five waivers requested, four of which were approved:

- Trichomoniasis – Approved – allowed entry of bulls coming to Texas for a special sale. Two bulls in the group were delayed in their entry test and were held in isolation until negative tests could be returned.
- Trichomoniasis – Approved – allowed processing of Trich assurance test despite a shipping delay that caused the sample to arrive later than approved period. Bull was already sold to a processing facility, owner was made aware of the situation implications, and no official test chart was provided.
- Tuberculosis – Approved – allowed entry of fallow deer from Florida on a single TB test. Florida does not have a TB monitored herd status program. These fallow deer are from a closed herd that has tested a sufficient number of animals over the past 5+ years to meet or exceed monitored herd status. This was the last shipment from a consolidated herd.
- Tuberculosis – Denied – Dairy cattle sold at dispersal sale requested entry with expired TB test. There was no hardship causing the animals to be shipped after test expiration and movement was not critical to the animals' well-being.
- Avian Influenza – Approved – allowed entry of Eastern Wild Turkeys for restocking project with Texas Parks and Wildlife Department prior to having a certificate of veterinary inspection and negative AI and PT tests. This allowance reduces stress on the birds and increases survival rate. Birds are kept in a secure area, inspected by TAHC/USDA staff, and tested prior to release.

The motion to approve the waiver requests passed.

Item 6 – Presentation of Field Animal Health Programs, Disease Traceability, and Emergency Management Activities

Dr. Angela Lackie presented the following update:

- Staffing - field positions are now being filled as quickly as possible to ensure quality of agency work
 - Of 142 total positions, 116.5 are filled, 6.5 are posted, and 19 are vacant
- 2021 Training Schedule
 - Administrative Assistant training was completed in April
 - Management training was completed in July
 - Field inspectors training has been moved to the first quarter of 2022
 - The next Administrative Assistant training has been moved to the first quarter of 2022
- Inspections in the fourth quarter of 2021
 - 23 event inspections
 - 297 feed yard and 56 calf ranch inspections
 - 220 feral swine inspections
 - 473 fowl inspections
 - 935 livestock market inspections
 - 1951 livestock shipment inspections
 - 42 swine surveys
 - 500 head tested out of 528 swine for first point testing
 - 169 slaughter plant inspections
 - 141 trichomoniasis inspections
 - 60 waste feeder inspections
- Authorized Personnel: 2452 Accredited Authorized Vets in Texas
 - 193 CWD Antemortem Certified
 - 1373 CWD Postmortem Certified
 - 773 Trich Certified
- Emergency Management Updates
 - Hired Emergency Planner
 - Conducted swine collector and ICS response field training in October
 - 11 inspectors trained, next training set for first quarter of 2022
 - EM Director appeared on Ag Matters to discuss livestock preparedness
 - Conducted training with livestock deputies on livestock haulers and trailer turnover awareness
 - Participated in feedlot Secure Beef Supply planning and presented Secure Food Supply program at Texas and South Western Cattle Raisers' Convention
 - Participated in Foreign Animal Disease (FAD) SAFE Exercise
- ADT updates for the second quarter of 2021
 - 34,553 active premise identification numbers
 - 67,380 location identification numbers
 - 196 scrapie flock identification
 - Distributed 483,860 total no-cost RFID tags to producers and veterinarians

Item 7 – Presentation of Communications Activities

The following was presented by Mrs. Callie Ward, Director of Communications:

The Communications Department is responsible for collecting, coordinating, writing, and preparing information to design and produce materials for release to news media, the agency, the public and other organizations. Materials produced include news releases and articles, agency website, brochures and fact sheets, public speaking, exhibits and conferences, signs and certificates, power points, social media, and media relations. In fiscal year 2021, 23 news releases and three animal health alerts were produced. Outreach and education efforts include providing support to 106 presentations, 15 conferences and exhibits, 526 social media posts, and four authorized personnel newsletters.

Item 8 - Presentation of Veterinary Services Programs Update

Dr. Megan Schmid, Area Veterinarian in Charge, gave USDA Updates:

Dr. Schmid started by providing the update that she is now confirmed as the Area Veterinarian in Charge (AVIC) for Texas and the available assistant AVIC position has been posted for applicants. Additional USDA staffing updates include that USDA has two term veterinary medical officer positions open (one in the panhandle, and one in San Antonio). Import/Export Services is fully staffed for Texas, which means better customer service for the state. The Cattle Fever Tick Program now has three supervisor positions filled, and will be able to continue with cutting Carrizo Cane. USDA Aphis will operate on a continuing resolution until February 2022. Staff hope to be back in the office from remote status, due to office renovations, by March of 2022.

Item 9 – Audit Sub-Committee Report

Commissioner Joe Leathers provided a report on the Audit Sub-Committee meeting. A successful peer review of the agency audits and the Internal Audit Report for Fiscal Year (FY) 2021 were discussed during the Audit Sub-Committee meeting as well as the agency's Fiscal Year 2022 Audit Plan. The committee approved the report and plan.

The motion to approve the Audit Sub-Committee report carried.

Item 10 – Agency Fiscal Year 2022 Annual Audit Plan

Mr. Monday Rufus, Internal Auditor:

Mr. Rufus presented the Agency Fiscal Year 2022 Annual Audit Plan. This plan identified areas of interest using risk factors with values assigned to the factors. Units within an organization should be reviewed once every five years, and the risk factor assigned to a unit does not mean there is an issue, just that there are factors to consider. Areas to be audited in the FY 2022 plan are: the Amarillo Region Office, Cash Receipts and Fee Processing, and Communications.

The motion to approve the Fiscal Year 2021 Annual Audit Plan carried.

Item 11 – Budget Status Report

Ms. Myra Sines presented the following:

- FY 2021 Budgeted Revenue totals \$15,423,821
 - \$12,704,110 from General Revenue
 - \$1,692,833 from Federal Funds
 - \$710,137 from Appropriated Receipts
 - \$316,741 from Capital Budget
- FY 2021 Budgeted Expenditures total \$15,423,821
- FY 2021 Federal Funds:
 - \$2,785,716 was budgeted in Federal Funds
 - In FY 2021 an additional \$1,692,833 in Federal Funds was collected
 - In FY 2020 \$364,945 in Federal Funds was moved to FY 2021
 - Total spendable federal funds for FY 2021 was \$4,843,494
 - At the end of FY 2021 \$1,092,844 was moved to FY2022
- FY 2021 Fee Revenue:
 - \$461,000 from Health Certificates was projected, \$544,719 was received year to date
 - \$51,000 from Fowl Registration was projected, \$72,930 was received year to date
 - \$8,000 from CWD Inspection was projected, \$17,675 was received year to date
- FY 2021 Conclusions
 - Total Budgeted Revenues & Expenditures: \$15,423,821
 - Not included is the 5% Budget Reduction of \$ 687,186
 - Moved unobligated/unencumbered \$1,092,884 in Federal Funds from FY2021 to FY2022
 - Moved \$1,687,509 from HB 2 funds for the 2-year period beginning on bill effective date:
 - \$1,400,000 for the purchase of Motor Vehicles
 - \$287,509 for the legacy system modernization
- FY 2022 Budgeted Revenue totals \$19,444,933
 - \$13,972,311 from General Revenue
 - \$2, 107,127 from Federal Funds
 - \$585,102 from Appropriated Receipts
 - 1,092,884 from Ub'd Funds
 - \$1,687,509 from HB2
- FY 2022 Expenditures total \$18,673,018
- FY 2022 Federal Funds
 - Total Budgeted Federal Funds are \$3,200,011
 - From FYI 2021, \$1,092,884 was carried over to FY 2022
- FY 2022 Fee Revenue
 - \$585,102 is projected; \$35,584 has been received to date
 - \$520,352 from Health Certificates is projected, \$31,634 has been received year to date
 - \$55,250 from Fowl Registration is projected, \$3,550 has been received year to date
 - \$9,500 from CWD Inspection is projected, \$400 has been received year to date

The motion to approve the budget status report carried.

Item 12 – Consideration of and Possible Action on Agency Contracts and Purchases

Ms. Myra Sines presented contracts and purchases for the consideration of the Commissioners, which included contracts, purchases, and leases.

The motion to approve the contracts, purchases, and leases passed.

Item 13 – Presentation of Compliance Activities

Mr. Bob Young Presented the following:

- Starting in February 2021, field compliance forms began capturing the inspection and sector type to improve data analytics and the agency's ability to identify the most effective compliance and enforcement activities and strategies.
- The period covered is September 2020 to August 2021.
- There were 202 Compliance Action Requests, 1,142 non-compliant livestock shipments, and one compliant, for a total of 1,345 total cases.
- There were 83 cases filed for prosecution, 17 convictions, and 44 cases pending.

Item 14 – Consideration of and Possible Action on Orders Related to Commission Rule Violations

Ms. Mary Luedeker presented orders related to Commission rule violations for the consideration of the commission. The orders were approved.

Item 15 – Consideration of and Possible Action on Agency Administrative Penalty Policy

Ms. Mary Luedeker presented the following:

The commission may impose an administrative penalty against a person who violates a rule or order adopted under this subtitle. The penalty for a violation may be in an amount not to exceed \$5,000. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. The amount of the penalty shall not be based on a per head basis. H.B. 3856 increased maximum penalty amount from \$1,000 to \$5,000. The penalty policy establishes a structure within which TAHC's legal and compliance staff make decisions about the relief to be sought in their cases. The policy is not binding upon the Commission and Executive Director when acting as the final decision-makers in contested cases. The Commission and Executive Director are bound only by the limits of the law, specifically, Chapter 161 of the Texas Agriculture Code and the individual program statutes administered by TAHC. TAHC's legal and compliance staff are generally expected to seek penalties and sanctions that are within the administrative penalty levels and ranges presented in this policy. Pursuit of a penalty or sanction outside the stated range is permitted only with the express approval of the Commission's General Counsel, when exceptional circumstances warrant a departure from the policy. In determining the amount of a proposed administrative penalty or the degree of

a proposed sanction to be assessed within the administrative penalty levels and ranges presented, the Commission will consider the following factors:

1. The seriousness of the violation, including the nature, circumstances, extent and gravity of prohibited acts and the hazard or potential hazard created to the health, safety, or economic welfare of the public.
2. Whether the violation was willful or intentional.
3. The economic harm to property or the environments caused by the violation.
4. The history of previous violations.
5. The amount necessary to deter future violations.
6. Efforts to correct the violation.
7. Any other matter that justice may require

The motion to adopt the Agency Administrative Penalty Policy passed.

Item 11 – Consideration of and Possible Action on Adoption of Proposed Rules

Mrs. Mary Luedeker discussed the following Regulation Adoptions:

Each Regulation Adoption was reviewed and voted on individually.

- a) Chapter 51, Entry Requirements
 - b) Chapter 58, Emergency Response and Management
 - c) Chapter 59, General Practices and Procedures
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- a) The Texas Animal Health Commission proposes amendments to Title 4, Texas Administrative Code, Chapter 51 titled “Entry Requirements”. Specifically, amendments are proposed to §51.5 concerning Movement of Quarantined Animals, and §51.10, concerning Cervidae. The Texas Animal Health Commission proposes the addition of §51.16, concerning Enforcement and Penalties.

The proposed amendments to §51.5 update the reference from §161.061 of the Texas Agriculture Code to §45.3 of the Texas Administrative Code in accordance with Senate Bill 705 enacted by the Texas Legislature during the 87th Regular Session. Senate Bill 705 amended §161.041 and §161.061 of the Texas Agriculture Code, and now requires the commission to adopt rules listing the diseases that require control or eradication. The commission adopted amendments to Chapter 45, titled “Reportable and Actionable Diseases”, in a duly noticed meeting on September 21, 2021. The proposed amendments to §51.5 also clarify the Executive Director’s approval is required for each consignment of animals moving to slaughter or to a quarantined feedlot for those animals affected with or recently exposed to an infectious, contagious, or communicable disease or that originate from quarantined herds or flocks. Grammatical and editorial changes are also proposed for consistency and improved readability. In §51.5(b), poultry and birds are proposed for deletion because “animal” encompasses the terms. “Animal” is defined in 4 TAC §51.1 to include livestock, exotic livestock, domestic fowl, and exotic fowl.

In §51.10, concerning Cervidae, amendments are proposed to subsections (a) and (b) to control and reduce the incidence of CWD entering Texas, as well as provide clearer guidelines of entry requirements for CWD susceptible species. CWD is a degenerative and fatal neurological communicable disease recognized by the veterinary profession that affects susceptible cervid species. CWD can spread through natural movements of infected animals and transportation of live infected animals or carcass parts. Specifically, prions are shed from infected animals in saliva, urine, blood, soft-antler material, feces, or from animal decomposition, which ultimately contaminates the environment in which CWD susceptible species live. CWD has a long incubation period, so animals infected with CWD may not exhibit clinical signs of the disease for months or years after infection. The disease can be passed through contaminated environmental conditions, and may persist for a long period of time. Currently, no vaccine or treatment for CWD exists. Grammatical and editorial changes are also proposed for improved readability and consistency. Specifically, certain terms and provisions, such as the addition of reindeer and caribou, are proposed to be consistent with Title 4 Texas Administrative Code Chapter 40.

The proposed new section, §51.16 concerning Enforcement and Penalties, describes the scope of violations and respective penalties as prescribed by Chapter 161 of the Texas Agriculture Code. Subsection (b) provides that administrative penalties may not exceed \$5,000 each day a violation continues or occurs.

The motion to adopt amendments to Chapter 51, Entry Requirements, passed.

- b) The Texas Animal Health Commission proposes amendments to §58.1 concerning Definitions and §58.2 concerning Disease Control in Chapter 58 of the Texas Administrative Code, titled “Emergency Response and Management”. The proposed amendments update the reference from §161.041 of the Texas Agriculture Code to §45.3 of the Texas Administrative Code in accordance with Senate Bill 705 enacted during the 87th Regular Legislative Session. Senate Bill 705 amended §161.041 of the Texas Agriculture Code, and now requires the commission to adopt rules listing the diseases that require control or eradication. The commission adopted amendments to Chapter 45, titled “Reportable and Actionable Diseases”, in a duly noticed meeting on September 21, 2021. The proposed amendments to Chapter 58 update the reference. The name of the international animal health agency is updated to the World Organisation for Animal Health, and “List A” is removed for accuracy and aligns with §161.0415 of the Texas Agriculture Code. The definition of “Emergency Management Plan - Appendix Four to Annex H” is proposed for deletion because that part of the plan is now outdated. Finally, grammatical and editorial changes are proposed for improved readability.

The motion to adopt amendments to Chapter 58, Emergency Response and Management, passed.

- c) The Texas Animal Health Commission (commission) proposes amendments to §59.12 concerning Carcass Disposal Requirements and the addition of §59.15 concerning Leave Pool in Chapter 59 of

the Texas Administrative Code, titled “General Practices and Procedures”. The proposed amendments to §59.12 update the reference from §161.041 of the Texas Agriculture Code to §45.3 of the Texas Administrative Code in accordance Senate Bill 705 enacted by the Texas Legislature during the 87th Regular Session. Senate Bill 705 amended §161.041 of the Texas Agriculture Code, and now requires the commission to adopt rules listing the diseases that require control or eradication. The commission adopted amendments to Chapter 45, titled “Reportable and Actionable Diseases”, in a duly noticed meeting on September 21, 2021. The proposed amendments to Chapter 59 update the reference. Additionally, grammatical and editorial changes are proposed for consistency and improved readability. The proposed addition of §59.15 follows House Bill 2063 enacted by the Texas Legislature during the 87th Regular Session. House Bill 2063 amended Texas Government Code, Chapter 661 by requiring each state agency to create and administer a state employee family leave pool. The new section is also proposed in accordance with Texas Government Code §661.002, which requires each state agency to adopt rules to prescribe procedures relating to the operation of the agency’s sick leave pool.

The motion to adopt amendments to Chapter 59, General Practices and Procedures, passed.

Item 17 – Closed Executive Session to Receive Legal Advice, Discuss Pending or Contemplated Litigation, and Settlement Offers as Permitted by Section 551.071 of the Texas Government Code.

Item 18 – Closed Executive Session to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of Specific Commission Employees as Permitted by Section 551.074 of the Texas Government Code

Item 19 – Reconvene to Consider Any Action Needed Following Closed Executive Session

No executive session was held.

Item 20 – Public Comment

Public comment was made at the time the item pertaining to the comment was presented. There was no further public comment.

Item 21 – Set Date for 412th Commission Meeting

The date for the 412th Commission Meeting was not set at the time of the meeting. Notice will be posted on the agency’s website when the next Commission meeting date has been set.

Item 22 – Adjournment

The meeting adjourned at 11:02AM.